

## § 322.2

determines necessary to prevent the introduction into the United States of diseases or parasites harmful to honeybees, or undesirable species or subspecies of honeybees.

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[50 FR 25689, June 21, 1985, as amended at 59 FR 656, Jan. 6, 1994; 59 FR 67133, Dec. 29, 1994; 60 FR 6000, Feb. 1, 1995]

### § 322.2 Definitions.

Terms used in the singular form in this part shall be construed as the plural, and vice versa, as the case may demand. The following terms, when used in this part, shall be construed respectively, to mean:

*Deputy Administrator.* The Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, U.S. Department of Agriculture, or any other officer or employee of the Department to whom authority to act in his or her stead has been or may hereafter be delegated.

*Diseases harmful to honeybees.* Honeybee diseases, including but not limited to diseases caused by *Aspergillus* spp., *Bacillus* spp., *Ascospaera* spp., Kashmir virus, and *Saccharomyces* spp.

*Honeybee.* Any live honeybee of the genus *Apis* in any life stage and the germplasm of honeybees of the genus *Apis*, except honeybee semen.

*Import (importation, imported).* To import or move into the United States.

*Inspector.* Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person authorized by the Deputy Administrator in accordance with the law to enforce the provisions of this part.

*Parasites harmful to honeybees.* Honeybee parasites, including but not limited to *Varroa jacobsoni*, *Euvarrao sinhai*, *Tropilaelaps clareae*, and *Acarapis woodi*.

*Person.* Any individual, corporation, company, society, association, or any other organized group.

*Plant Protection and Quarantine.* The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Honeybee Act, as amend-

## 7 CFR Ch. III (1-1-01 Edition)

ed, and regulations promulgated thereunder.

*Restricted article.* Any honeybee semen from countries listed in § 322.1(c).

*Undesirable species of subspecies of honeybees.* *Apis mellifera adansonii*, commonly known as the African honeybee, and its hybrids; and *Apis mellifera capensis*, commonly known as the Cape honeybee.

*United States.* The States, District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

### § 322.3 Permits.

(a) A restricted article may be imported only after issuance of a written permit by Plant Protection and Quarantine.

(b) An application for a written permit must be submitted to the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Biological Assessments and Taxonomic Support, 4700 River Road, Unit 133, Riverdale, Maryland 20737-1236, and should be submitted at least 30 days prior to arrival of the article at the port of entry. The completed application does not have to be on any particular form but must indicate that it is an application for a written permit and include the following information:

- (1) Name, address, and telephone number of the importer;
- (2) Amount of semen indicated to be imported and species or subspecies of the honeybees from which the semen was collected;
- (3) Country or locality of origin;
- (4) Intended United States port of entry;
- (5) Means of transportation; and
- (6) Expected date of arrival.

(c) After receipt and review of the application by Plant Protection and Quarantine, a written permit indicating the applicable conditions in this subpart for importation shall be issued for the importation of the articles specified in the application if such articles appear to be eligible to be imported. Even though a written permit has been issued for the importation of an article, it may be moved into the United States from the port of entry

only if all requirements of this subpart are met and only if an inspector at the port of entry does not determine that emergency measures are necessary with respect to such article to assure that diseases or parasites harmful to honeybees and that undesirable species or subspecies of honeybees are not introduced into the United States.

(d) Any permit which has been issued may be withdrawn by an inspector or the Deputy Administrator if he or she determines that the permit holder has not complied with any condition for the use of the permit. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow. Any person whose permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within 20 days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal in writing, stating the reasons for the decision, as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve the conflict.

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#### § 322.4 Inspections.

Any restricted article is subject to inspection by an inspector at the time of importation for the purpose of determining whether such article is eligible to be imported.

#### § 322.5 Marking and shipping.

(a) Any restricted article for importation by means other than mail shall at the time of importation bear on the outer container the following information:

(1) Amount of semen and species or subspecies of the honeybees from which the semen was collected,

(2) Country or locality of origin,

(3) Name and address of shipper, owner, or person shipping or forwarding the article,

(4) Name and address of consignee, and

(5) Identifying shipper's mark and number.

(b) Any restricted article for importation by mail must be addressed and mailed to Plant Protection and Quarantine at a place specified in § 322.8; must be accompanied by a separate sheet of paper within the package bearing the name, address, and telephone number of the intended recipient; and must bear on the outer container the following information:

(1) Species or subspecies of the honeybees from which the semen was collected,

(2) Country or locality of origin, and

(3) Name and address of shipper, owner, or person shipping or forwarding the article.

(c) Any restricted article must be accompanied at the time of importation by an invoice or packing list indicating the contents of the shipment.

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#### § 322.6 Arrival notification.

Promptly upon arrival of any restricted article at a port of entry, except for mail shipments, the importer must notify Plant Protection and Quarantine of the arrival by such means as a manifest, Customs entry document, commercial invoice, waybill, a broker's document, or a notice form provided for that purpose.

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#### § 322.7 Costs and charges.

The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer.<sup>2</sup> Plant Protection and Quarantine will not be responsible for any costs or charges, other than those indicated in this section.

<sup>2</sup>Provisions relating to costs for other services of an inspector are contained in 7 CFR part 354.